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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,889	07/26/2000	Ted Chongpi Lee	LEE 4	8036

7590 02/13/2004

MOSER, PATTERSON & SHERIDAN LLP
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EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 02/13/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/625,889

Applicant(s)

LEE, TED CHONGPI

Examiner

James K Moore

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response filed 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 7-10, filed October 17, 2003, with respect to the rejection(s) of claim(s) 1-15 in view of Machemer et al. and the combination of Machemer et al., Christie, and Owens et al., have been considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lauer et al. (U.S. Patent No. 6,118,936).

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 5, 9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lauer et al. (U.S. Patent No. 6,118,936).

Regarding claim 1, Lauer discloses a method for managing adjunct access for a circuit in a network management system. The method comprises providing a manageable link (a linkset) representing each non-managed portion of the circuit (non-IEC nodes), responsive to a determination that a non-managed portion of the circuit exists. See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29.

Regarding claim 5, Lauer discloses a method for designing a continuous circuit. The method comprises determining a non-managed portion (non-IEC

Art Unit: 2686

node) of a circuit exists, and providing a link (linkset) between each non-managed portion of the circuit and a proximate managed portions (IEC nodes) of the circuit. The link may be characterized as a managed carrier link by a network management system (SNMS). See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29.

Regarding claim 9, Lauer discloses a method comprising assigning links (linksets) bridging non-managed portions (non-IEC nodes) of a circuit path. It is inherent that the circuit path is created after a request to provision a circuit is received, and the circuit path is selected within a network comprising a plurality of network elements (IEC and non-IEC nodes). The assigned links may be characterized as managed carrier links. See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29.

Regarding claim 11, Lauer discloses all of the limitations of claim 9, and also discloses that the non-managed portions of the network comprise adjunct access facilities (LATA facilities). See col. 14, lines 18-29.

Regarding claim 12, Lauer discloses an apparatus (SNMS servers 302/304/306/308) for designing a continuous circuit inherently comprising a processor and an associated storage device including instructions for controlling the processor. See col. 4, lines 33-48. The instructions cause the processor to determine whether a non-managed portion (non-IEC node) of a circuit exists, and to provide a link (a linkset) between non-managed portions of the circuit and proximate managed portions (IEC nodes) of the circuit. The link may be characterized as a managed carrier link by a network management system

Art Unit: 2686

(SNMS 300). See Figures 8b, 8c and 8e; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29.

Claim Rejections - 35 USC § 103

4. Claims 2-4, 6-8, 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauer et al. in view of well known prior art.

Regarding claims 2, 6, 10 and 13, Lauer discloses all of the limitations of claims 1, 5, 9 and 12, but does not disclose that each manageable link is coupled to at least one of a Digital Cross Connect, a Light Wave Guided Cross Connect, and a Distribution Drop Point. However, the examiner takes Official Notice that it is well known in the art to use a Digital Cross Connect in a communications network to couple multiple end users to a single T-1 circuit, thereby allowing efficient use of circuit resources. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lauer, such that each manageable link is coupled to a Digital Cross Connect, in order to efficiently use circuit resources.

Regarding claims 3, 7 and 14, Lauer in view of well known prior art teaches all of the limitations of claims 2, 6 and 13, and Lauer also discloses that each manageable link comprises a fiber optic cable. See col. 2, lines 55-57.

Regarding claims 4, 8 and 15, Lauer in view of well known prior art teaches all of the limitations of claims 2, 6 and 13, and Lauer also discloses that the links comprises a digital carrier. See col. 8, lines 45-61.

Art Unit: 2686

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

1/27/04

JKM

Marsha D. Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
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